



# On Student Data

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Joint Legislative Oversight Committee on IT

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# Some Background



- Personally Identifiable Information (PII) – information that can be used alone or combined with other information to identify and/or locate individual people
- Student data is PII data
- Privacy versus security
- A lot of gray area in the privacy conversation – policy and technology may be out of sync
- Opportunities to reduce the gray

# Student Data



- Student records are initially created when a child is registered for school
- Includes, name, address, custodial parent(s), demographic data, etc.
- Privacy laws define parent and student rights related to their data – FERPA, COPPA
- Master data management at NCDPI determines what systems are **authoritative** for what data and manages what people and applications may see and use the data

# FERPA



- FERPA – Family education rights and privacy act of 1974 (a.k.a., Buckley Act)
  - Applies to schools that receive US DOE funds
  - Gives parents rights related to student data – those rights transfer to the student at 18
  - Release of student data requires consent though there are many exceptions – accrediting agencies, juvenile courts, school officials, orgs conducting studies, and more

# COPPA



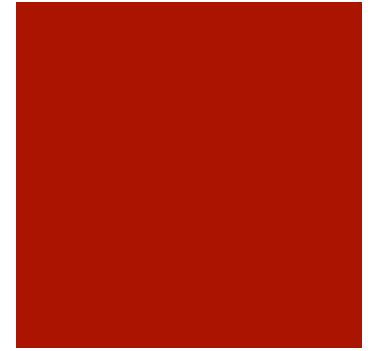
- COPPA – Children's online privacy and protection act of 1998
  - Directed at operators of websites that children are likely to visit and that collect personal information
  - Requires parental acknowledgement and consent for children under the age of 13
  - Administered by the FTC
  - Defines what needs to be in the privacy policy, when to seek consent, and what an operator needs to do to protect children's privacy and safety online

# CIPA – related but not about privacy



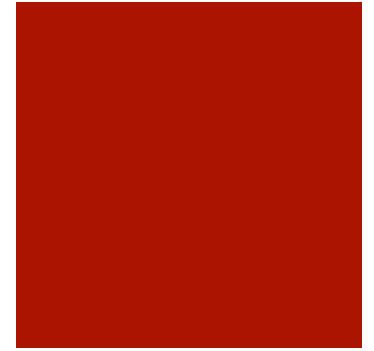
- CIPA – Children's Internet *Protection* Act
- Administered by the FCC
- Applies to schools and libraries that receive E-rate discounts
- Requires schools and libraries to:
  - Develop an online safety policy
  - Filter unsavory and harmful content
  - Educate students on safe Internet behavior
  - Monitor online activity by minors

# Applications that collect data



- Student information system (SIS) - Powerschool
- Assessment systems collect test answers and scores associated with individual students (NCTest, Thinkgate CTE)
- Individual education plan applications (CECAS, EasyIEP)
- Many more supporting local, state, and federal reporting requirements

# Applications that use student data

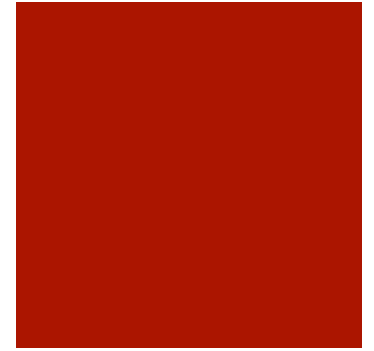


- Dashboards and reporting applications
- Transportation information systems applications
- Learning management systems
- Infrastructure systems like active directory
- Longitudinal data system



# Where is PII data stored?

- NCDPI-managed servers in NCITS data centers
- **Vendor-managed servers in commercial data centers**
- LEA-managed servers in LEA server rooms
- Individual State employee desktop and laptop computers



# Privacy in the Cloud

*"Cloud services are poorly understood, non-transparent, and weakly governed: only 25% of districts inform parents of cloud services, 20% of districts fail to have policies for the use of online services, and a sizeable plurality of districts have rampant gaps in their contract documentation, including missing privacy policies."*

Center on Law and Information Policy, Fordham University School of Law  
Joel Reidenberg Et al.  
Privacy and Cloud Computing in Public Schools, December 13, 2013.

# Cloud Services



- Google Apps, Edmodo, Engrade, Dropbox
  - Individual teachers can use these tools cost-free
  - Schools or districts can sign agreements to use the tools – possibly still cost-free
  - In general privacy policies in these cases assert that PII data is only released with user consent aside from a few exceptions that are aligned with FERPA
- SCHOOLDUDE, Schoology, Blackboard
  - Schools and districts enter into product subscription contracts under a fee for service arrangement
  - Privacy controls are spelled out in the contract

# Some NCDPI Contract Language Headings



- Care of information and data
- Confidentiality of data and FERPA
- Data within US only
- State can verify security and compliance any time
- All subcontractors bound by laws of the contract
- Destroy all data after contract expiration/  
termination
- Data breaches
- Encrypted transfer of data

# Considerations

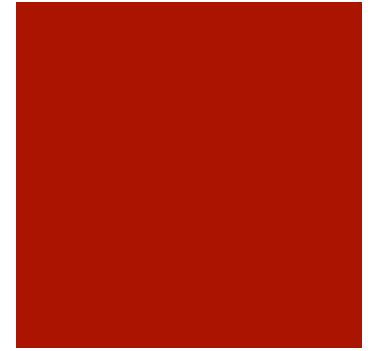
- Should a parent have to authorize the input of student data into a software system that a school, district, or the State uses for decision making or instruction?
- Does the State need to refine uniform education reporting system (UERS) language?
- Should the State develop policy and related process and controls to better support and advise agencies when State sourced data is an input to non-state managed software systems and services?

# More Considerations



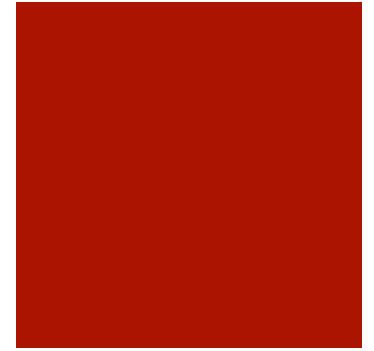
- Should NCITS develop data integration standards and infrastructure services supporting export and import of PII data across administrative boundaries?
- Should NC adopt recommendations from the Fordham CLIP Privacy and Cloud Computing in Public Schools paper?
  - Transparency
  - Data governance
  - Contracting practices
  - Contract terms

# inBloom



- A not for profit initially funded by Gates and Carnegie Foundations (~\$100M)
- Application store platform for education
- Intention is to create a better education application ecosystem
- Primary problem to solve is not enough standardization around SIS implementations in districts
- Provides an application programming interface so that software start-ups serving education can provide contemporary applications using a standard interface
- Provides a standard way for districts to upload data

# More on inBloom



- There is nothing sinister about this model
- For most districts nationally, it is a substantial improvement over the status quo
- inBloom will likely struggle because it competes with Apple, Google, and MS stores for developers
- For profit silicon valley company, Clever, does virtually the same thing



# inBloom and NC



- The core inBloom platform is being developed by the Wireless Generation group within Rupert Murdoch's Amplify company
- Most of the development work is being done in Durham at an office that now employs more than 150 professionals
- NC has piloted the platform – successfully loading fake data into the development sandbox
- inBloom provides little benefit to NC because all districts use the same SIS